



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Turner Jr. *et al.* (As Amended)

RECEIVED

Serial No.: 09/918,359

Group Art Unit: 1646 SEP 04 2003

Filed: 07/30/2001

Examiner: J. Murphy
RECEIVED CENTER 1600/2800

For: Human Ion Channel Proteins and Polynucleotides
Encoding the Same (As Amended) Atty Docket No.: LEX-0208-USA

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Mail Stop AF

Commissioner for Patents
Alexandria, VA 22313

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner mailed May 30, 2003 ("Final Action"), finally rejecting claims 1 and 5-9. The fee as required under 37 C.F.R. § 1.17(b) for filing this Notice of Appeal is \$160.00, and the Commissioner is hereby authorized to deduct this fee from Applicants' Representatives' Deposit Account No. 50-0892.

This Notice is due on August 30, 2003, which falls on a Saturday and is therefore extended until Monday, September 1, 2003, which falls on a Federal holiday and is therefore extended until Tuesday, September 2, 2003 under 37 C.F.R. § 1.7. The Notice is thus timely filed, and Applicants believe no fees in addition to the fees for filing the Notice of Appeal are due in connection with this communication. However, should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason related to this communication, the Commissioner is authorized to consider this document a petition, and charge any underpayment or credit any overpayment to Applicants' Representatives' Deposit Account No. 50-0892.

Respectfully submitted,

David W. Hibler

David W. Hibler
Agent For Applicants

Reg. No. 41,071

August 28, 2003

Date

LEXICON GENETICS INCORPORATED
8800 Technology Forest Place
The Woodlands, TX 77381
(281) 863-3399

Customer # 24231